

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q79465
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/761,364	Filed January 22, 2004
	First Named Inventor Naoko ITO	
	Art Unit 2444	Examiner Peling Andy SHAW
	WASHINGTON OFFICE 23373 CUSTOMER NUMBER	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.		
This request is being filed with a notice of appeal		
The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		
<input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>63,241</u> / Christopher J. Bezak / _____ Signature		
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<u>January 7, 2010</u> Date		

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79465

Naoko ITO, et al.

Appln. No.: 10/761,364

Group Art Unit: 2444

Confirmation No.: 3421

Examiner: Peling Andy SHAW

Filed: January 22, 2004

For: PRESENCE SYSTEM AND INFORMATION PROCESSING EQUIPMENT, DYNAMIC BUDDY LIST GENERATION METHOD IN PRESENCE SYSTEM, AND PRESENCE NOTIFICATION DESTINATION CONTROLLING METHOD AND ITS PROGRAM FOR USE WITH PRESENCE SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated August 7, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Claim Rejections: Claims 1-5, 7-11, 13 and 14 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lonnfors et al. (U.S. Patent 6,757,722, hereinafter "Lonnfors"). Claims 6 and 12 rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lonnfors and in view of Salomaki et al. (WO 02/093959, hereinafter "Salomaki").

Brief Summary of the Cited References: Lonnfors is directed to a presence system in which a presence server stores information (*i.e.*, presence document) about presentities. The server monitors the status of the presentities and provides information to watcher applications

that wish to be informed of the status of specified presentities managed by the server. If the status of a presentity changes, the server informs the watcher of the change. *See Lonnfors, Abstract.* Salomaki is directed to a mobile messaging presence system. *See Salomaki, Abstract*

Applicant respectfully submits that claims 1-5, 7-11, 13, and 14 would not have been anticipated by Lonnfors. Claim 1 recites, *inter alia* (emphasis added):

a presence calculating means for determining the presence information for said presentity provided by said presence service client means based on a change in the presence information for the presenties other than said presentity received by said presence service client means.

Applicant respectfully submits that Lonnfors neither teaches nor suggests this claimed feature. This is because Lonnfors does not disclose “determining the presence information for said presentity...based on a change in the presence information for the presenties other than said presentity,” as recited in claim 1.

Lonnfors discloses a presence server that provides presence information regarding a monitored presentity’s state. *See Lonnfors, col. 4, ll. 39-40, 53-67, col. 8, ll. 8-10.* The presence information is received by subscribing user equipment (UE) executing “watcher” applications in the form of a notification that the status of the monitored presentity has changed. *See Lonnfors, col. 7, ll. 61-67, col. 8, ll. 10-22.* That is to say, when the watcher application on the UE is informed by the server that the status of a monitored presentity has changed, the monitored presentity’s status is changed at the UE. *See Lonnfors, Abstract, col. 6, ll. 44-53, 65-67, col. 7, ll. 61-64.* There is no teaching or suggestion that a status of a monitored presentity is changed “based on a change in the presence information for the presenties other than said presentity.” In other words, Lonnfors does not disclose the status of a *first* presentity of a user changes based

on a change in a *second* (*i.e.*, “other”) presentity’s status. Similarly, Lonnfors does not disclose that the status of a *first*, monitored presentity changes when a status of a *second*, monitored presentity changes.

To the extent the Examiner’s position is based on the assertion that column 1, lines 53 to 65 and column 11, line 60 to column 12, line 13 allegedly teach this feature, Applicant respectfully disagrees. Column 1, lines 53 to 65 of Lonnfors discloses (emphasis added):

Current presence service technology includes the concepts of presentities, presence servers, and watchers. Generally, a presentity can provide information as to its “presence” (*e.g.*, location, willingness to communicate at a certain time or with certain users, etc.). *This information can be collected and utilized by presence servers, that can notify authorized “watchers” who are interested in presence information that certain presence information is available.* Watcher applications may be implemented in wireline and wireless terminals to obtain presence information from the presence servers *about other users*. This may come in the form of a notification, issued to the watcher by the presence server.

Accordingly, this portion of Lonnfors discloses that a presence server collects information on presentities (“presence information...about other users”), and this information is provided to a different user executing the “watcher” application. As discussed above, this presence information is received by subscribing user equipment (UE) executing the “watcher” application in the form of a notification that the status of the monitored presentity has changed. *See* Lonnfors, col. 7, ll. 61-67, col. 8, ll. 10-22. There is no teaching or suggestion that a status of a presentity monitored by the “watcher” is changed “based on a change in the presence information for the presenties other than said presentity.”

Column 11, line 60 to column 12, line 13, also cited by the Examiner, describes “providing [] notifications to a watcher application” and discloses, *inter alia* (emphasis added):

FIG. 5 is a flow diagram illustrating an embodiment of a method for providing partial notifications to a watcher application in accordance with the present invention... When the presence document has been created, it can be sent to the appropriate watcher application in any desired manner. For example, in one embodiment of the invention, the presence document is sent to a subscribing watcher application when the associated presence information changes.

This portion of Lonnfors discloses that a “presence document” is created for a presentity, and the document is sent to a watcher when the “presence document has been created” or “when the associated presence information changes.” The embodiment illustrated in Figure 7 of Lonnfors describes the above procedures. Specifically, “[a]t least one presentity to which a terminal/watcher has requested presence services is identified 700.” See Lonnfors, FIG. 7, S700, col. 12, ll. 50-57. In step 702, a “presence document is created 702, where the presence document includes presence information corresponding to the presentity.” See Lonnfors, FIG. 7, S702, col. 12, ll. 57-60. The presence information is configured and transmitted to the terminal that requested the present information. See Lonnfors, FIG. 7, S704-706, col. 12, ll. 60-65.

Thus, Lonnfors simply discloses that the presence server informs the watcher of a change in a monitored presentity’s status by using the “presence document.” There is no teaching or suggestion that the presence server creates or modifies a “presence document” for a first presentity based on a change in presence information for a second presentity. In fact, Lonnfors does not disclose why or how the “presence document” which “corresponds[] to the presentity” is modified to include original, changed, or new presence information. Accordingly, Lonnfors fails to teach or suggest the “presence calculating means for determining the presence information for said presentity...based on a change in the presence information for the presentities other than said presentity,” as recited in claim 1.

As a result, Applicant respectfully submits that Lonnfors fails to teach or suggest all the features of claim 1, and hence, claim 1 and its dependent claims would not have been anticipated by Lonnfors for at least these reasons. To the extent independent claims 3, 9, 10, 13, and 14 recite features similar to those discussed above regarding claim 1, Applicant respectfully submits that claims 3, 9, 10, 13, 14, and their dependent claims also would not have been anticipated by Lonnfors for at least reasons analogous to those discussed above regarding claim 1.

Applicant respectfully submits that claims 6 and 12 would not have been rendered unpatentable by the combination of Lonnfors and Salomaki. Claims 6 and 12 depend on claims 3 and 10, respectively, and incorporate all the features of claims 3 and 10. Salomaki is cited merely for teaching groups of presenties. Even if Lonnfors and Salomaki could have somehow been combined, Applicant respectfully submits that the combination still fail to teach or suggest all the features in claims 3 and 10, and hence claims 6 and 12, as discussed above. Accordingly, Applicant respectfully submits that claims 6 and 12 would not have been rendered unpatentable by the combination of Lonnfors and Salomaki for at least these reasons

Conclusion: In view of the above, Applicant respectfully submits that claims 1-14 are patentable, and respectfully requests that the rejections of these claims be reconsidered and withdrawn. Reconsideration and allowance of this Application are now believed to be in order.

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Respectfully submitted,
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